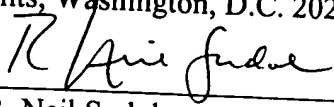




CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:
"Commissioner for Patents, Washington, D.C. 20231" on February 11, 2003


R. Neil Sudol

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Peter J. WILK

SERIAL NO. : 09/435,525

FILED : 11/8/99

FOR : Method and Device for Improving Cardiac Function

GROUP ART UNIT : 3763

EXAMINER : M. Mendez

Commissioner for Patents
Washington, D.C. 20231

SUBSTITUTE TERMINAL DISCLAIMER IN APPLICATION

S I R:

WILK PATENT DEVELOPMENT CORPORATION (hereinafter "WILK PATENT"), a corporation organized and existing under the laws of the State of New York, is the owner of application No. 09/435,525 filed November 8, 1999 for METHOD AND DEVICE FOR IMPROVING CARDIAC FUNCTION by virtue of an assignment concurrently filed with the Assignment Branch for recordation and appended in copy hereto. The present extent of WILK PATENT's ownership interest in application No. 09/435,525 is complete and undivided: WILK PATENT is presently the owner of the entire right, title and interest in application No. 09/435,525.

WILK PATENT is also the owner of U.S. Patent No. 6,258,021 by virtue of the same assignment, that document being concurrently submitted to the Assignment Branch for recordation also with respect to U.S. Patent No. 6,258,021. The present extent of WILK PATENT's ownership interest in U.S. Patent No. 6,258,021 is complete and undivided: WILK PATENT is presently the owner of the entire right, title and interest in U.S. Patent No. 6,258,021.

Through the undersigned attorney for applicant, WILK PATENT hereby disclaims the terminal part of any patent granted on said application No. 09/435,525 which would extend beyond the maximum statutory term of U.S. Patent No. 6,258,021. In addition, WILK PATENT hereby agrees that any patent granted on Application No. 09/435,525 shall be enforceable only for and during such period that the legal title to said patent granted thereon shall be the same as the legal title to U.S. Patent No. 6,258,021, this agreement to run with any patent granted on said Application No. 09/435,525 and to be binding upon the grantee, its successors or assigns.

Through the undersigned attorney for applicant, Petitioner WILK PATENT represents that it has reviewed the chain of title of application No. 09/435,525 and issued Patent No. 6,258,021 and acknowledges that, to the best of its information and belief, Petitioner WILK PATENT is the owner of the entire interest in said application and said patent.

The undersigned attorney for applicant has no interest, no right, and no title in application No. 09/435,525 or in issued Patent No. 6,258,021.



R. Neil Sudol
Reg. No. 31,669

Attorney for Applicant

Dated: February 11, 2003